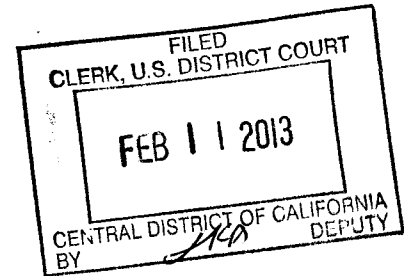


*Free
Paul*

**Jennifer A. Simmons,
7868 Milliken Ave. Apt 476
Rancho Cucamonga, CA 91730
720-839-5773
Plaintiff in Pro Per**



**UNITED STATES DISTRICT COURT
Central District of California**

**Jennifer A. Simmons,
Plaintiff,**

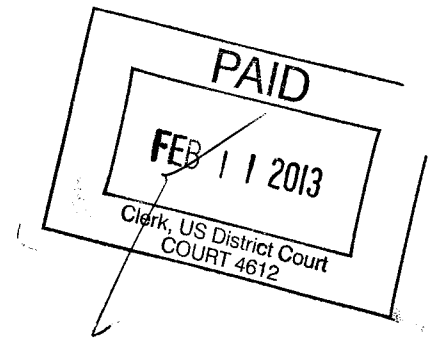
Vs.

**Commissioner of Social Security
Social Security Administration,
Room 617, Altmeyer Building
6401 Security Blvd
Baltimore, MD 21235
Telephone: 410-965-0600
And
Office of the Regional Chief Counsel
Region IX
Social Security Administration
OGC San Francisco
160 Spear Street, Suite 800
San Francisco, CA. 94105-1545
Telephone: 415-977-8943
Defendant.**

**Case No.: ED 13CV261 VAP (SPA)
WRIT OF MANDAMUS AND
COMPLAINT FOR INJUNCTIVE RELIEF
And Civil Penalties for
Freedom of Information Act Violations
(under 5 U.S.C. 552)**

**SSA FOIA Request numbers:
1. AI3994
2. S9H: AJ0354
3. S9H: AJ0355**

001992



Jurisdiction

1. This is an action under the Freedom of Information Act, 5 U.S.C. 552, to order the production of agency records, concerning the Plaintiff's 3 FOIA requests dated May 24, 2012, January 6, 2013, and January 6, 2013, which defendant has improperly withheld from plaintiff. (See Attachment Plaintiff's Exhibits 1, 2, 3).
2. This court has jurisdiction over this action pursuant to 5 U.S.C. 552(a)(4)(B) and (g)(1).
3. Venue is proper under 5 USC 552.

Parties

4. Plaintiff, Jennifer A. Simmons, resides in Rancho Cucamonga, California.
5. Plaintiff Simmons is an employee of the Social Security Administration.
6. Plaintiff is the requester of the records, which Defendant is now withholding. Plaintiff has requested this information for use in determining discrimination, failure to accommodate, retaliation, and privacy violations by the Defendant against the Plaintiff. The Defendant's 8-month willful obstruction in producing the May 24, 2012 requested documents is causing an undue hardship on the Plaintiff in her EEO complaint, future EEO complaints, and workplace. The Plaintiff requests expedited response to the January 6, 2013 FOIA requests as the documents requested are evidence of ongoing discrimination and harm to the Plaintiff.
7. The Defendant's failure to act on the May 24 2012 FOIA requests for 8 months gives the Plaintiff reason to believe the Defendant will similarly delay production of the documents requested in the January 6, 2013 FOIA request without the Court's intervention.

8. Defendant, Social Security Administration is an agency of the United States and has possession of the documents that plaintiff seeks.

Statement of Facts and Causes of Action #1

9. By email dated May 24, 2012, plaintiff requested access to correspondence (1) involving Plaintiff's Application for the October 26, 2011 Solicitation for Participation on the Electronic Bench Book; (2) involving Plaintiff's SES CDP application correspondence; and (3) involving Plaintiff's applications for instructor and cadre solicitation. A copy of this letter/email is attached as Exhibit 1.
10. On May 25, 2012, the Plaintiff followed-up by email to the Defendant on her May 24, 2012 FOIA requests. The Defendant responded on June 13, 2012 indicated that the FOIA request was still pending in OGC/OPD.¹ At this time, OCALJ² has not received a controlled assignment from ODAR³ FOIA staff for appropriate action on the request. (Exhibit 4).
11. On June 18, 2012, the Defendant sent an email to itself (Defendant) at |||ODAR OEOHR DEO ALB FOIA and others subject FOIA Requests AI3994., indicating it was looking into the estimated cost to the federal government. The requested information was due June 28, 2012. (Ex. 5/page 4) The Defendant has never conveyed a cost to the Plaintiff.
12. On August 31, 2012/September 4, 2012 plaintiff followed-up by email to the Defendant on her May 24, 2012 FOIA requests. On September 5, 2012, the Defendant informed the Plaintiff that the "FOIA request was in the process

¹ OGC is Social Security Office of General Counsel. ODP is Office of Privacy and Disclosure.

² OCALJ is Social Security Administration/Office of Disability Adjudication and Review/Office of Chief Administrative Law Judge.

³ ODAR is Social Security Administration/Office of Disability Adjudication and Review.

status,” and that the Plaintiff could “check back in a few weeks for a status.” (Exhibit 6).

13. On November 7, 2012, the Plaintiff followed-up by email to the Defendant on the May 24, 2012 FOIA requests. The Defendant responded on November 8, 2012, that the Defendant was “still processing her FOIA request,” and would respond as soon as possible. (Exhibit 7).
14. On January 6, 2013, the plaintiff followed up by email to the Defendant requesting a response to the May 24, 2012 FOIA requests. On January 8, 2013, the defendant responded apologizing for the delay, and informing the plaintiff that they were still processing her request and it was under review. On January 31, 2013, the Plaintiff again followed-up by email to the Defendant requesting response to the May 24, 2012 FOIA Request. (Exhibit 9).

**Statement of Facts and Causes of Actions #2 and #3 (SSA FOIA S9H:
AJ0354 and AJ0355**

15. By letter/email dated January 6, 2013, plaintiff requested access to information involving (1) Plaintiff’s hardship transfer/reassignment to the Denver Regional Office; (2) Plaintiff’s application and interview for Administrative Law Judge (“ALJ”) position at the National Hearings Center Falls Church; (3) The Defendant’s selection for the ALJ position at the National Hearing Center Falls Church; (4) Plaintiff’s application for Region 8/Denver Regional Chief Administrative Law Judge; (5) Plaintiffs’ Application for Hearing Office Chief Administrative law Judge San Diego Hearing Office. A copy of this letter/email is attached as Exhibit 2.
16. By letter/email dated January 6, 2012, plaintiff requested access to information involving EEOC claim/allegation information concerning (1)

Mason Doug Harrell Jr.; (2) William King RCALJ San Francisco; and (3) Michael Radensky. A copy of this letter/email is attached as Exhibit 3.

17. The Defendant responded on January 9, 2013, indicating it received both FOIAs S9H: AJ0354 and AJ0355. (Exhibit 8).

18. On January 31, 2013, the plaintiff followed up on the January 6, 2013 FOIA requests (Exhibits 10 and 11).

19. Plaintiff has a right of access to the requested information under 5 U.S.C. 552(a)(3) and (g)(1), and there is no legal basis for defendant's denial of such access.

20. Defendant failure to respond to the Plaintiff's FOIA requests for 8 months (May 24, 2012), and more than 30 days (January 6, 2013) is egregious.

WHEREFORE, plaintiff requests this Court:

(A) Order defendant to produce the requested documents and retain jurisdiction;

(B) Expedite this proceeding as provided for in 28 U.S.C. 1657;

(C) waive any of Defendant's costs in producing documents to Plaintiff.

(D) Find that the Plaintiff's FOIA requests are not unduly burdensome.

(E) Award plaintiff costs and reasonable attorney's fees in this action, as provided in 5 U.S.C. 552(a)(4)(E);

(F) Order civil penalty to the Plaintiff of \$60,000 under 5USC522 (g)(1)(C)&(D) and (g)(2) as follows:

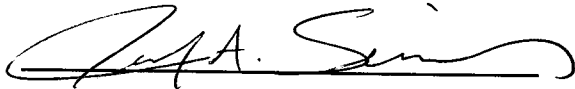
(a) May 24, 2012 Request (3 Subjects at Issue) Total of \$50,000

(b) January 6, 2013 FOIA Request (5 Subjects at issue) Total of \$5,000

(c) January 6, 2013 FOIA Request (3 Subjects at issue) Total of \$5,000.

(G) Grant such other and further relief as may deem just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer A. Simmons", written in a cursive style.

Jennifer A. Simmons

Pro Se Plaintiff

7868 Milliken Ave. Apt. 476

Rancho Cucamonga, CA 91730

Dated:

Simmons, Jennifer

From: Simmons, Jennifer
Sent: Thursday, May 24, 2012 6:09 AM
To: Bajo, Virgilio
Subject: FOIA (Simmons)

Hi Virgil – I've attached a FOIA request. Please let me know if I need to clarify or change anything.
Thank you –



Jennifer Simmons
Administrative Law Judge

From: Bajo, Virgilio
Sent: Friday, May 18, 2012 8:31 AM
To: Simmons, Jennifer
Subject:

Judge Simmons – If you would like to send the request to me, I will handle it appropriately.

Virgil

May 24, 2012

To: SSA/OCALJ -- Falls Church, VA

From: Jennifer Simmons

Mr. Bajo --

This is a request under the Freedom of Information Act ("FOIA") 5 U.S.C. Sec. 552..

I request that a copy of the following documents be provided to me:

In order to help determine my status for purposes of determining the applicability of any fees, you should know that I am Jennifer A. Simmons, an employee of SSA/ODAR requesting information pertaining to me for my personal use.

1. Any correspondence (e.g. email, letters, memorandum, etc) concerning my letter of interest dated October 26, 2011 for the Solicitation for Participation on the Electronic Bench Book (EBB) Project. This request includes, but is not limited to, letters of reference, comments on my qualifications, and recommendations. This request includes, but is not limited to, any correspondence within the Office of Disability Adjudication and Review but not limited to correspondence from or to the following individuals:
 - a. Debra Bice, Chief Administrative Law Judge;
 - b. William King, Region 9 Regional Chief Administrative Law Judge;
 - c. Mason (Doug) Harrell, San Bernardino Hearing Office Chief Judge;
 - d. Employees of DTHR (Department of Training and Human Resources)
 - e. Employees of ODAR OCALJ (Office of the Chief ALJ);
 - f. any individuals who may have been involved in the decision making or input into the selection of the members for the EBB Project
 - g. Date Range: October 2011 to Present
2. Any correspondence (e.g. email, letters, memorandum, etc) concerning my application for Senior Executive Service Candidate Development Program (SES CDP). The SES CDP application was announced in July 2011 and the selections were announced in November 2011. This request includes, but is not limited to, any correspondence within the
 - a. OCALJ (Office of Chief Administrative Law Judge)
 - b. Debra Bice, Chief ALJ ODAR
 - c. Office of Disability Adjudication and Review
 - d. William King, Region 9 Regional Chief Administrative Law Judge
 - e. Mason (Doug) Harrell, San Bernardino Hearing Office Chief Judge
 - f. Glenn Sklar, DC ODAR
 - g. James Julian
 - h. SSA Human Resources

~~1/2~~ 1/2

- i. Sarah E. Rohde, Human Resources Specialist, Executive and Special Services Staff
 - j. Executive Resources Board (ERB)
 - k. Bonnie L. Doyle
 - l. Commissioner Michael Astrue's Office
 - m. Marsha Stroup, Regional Chief Administrative Law Judge Region 8
 - n. Any other individuals who may have been involved in the decision making or input into the selection for the SES CDP.
 - o. Date Range: July 2011 to the Present
3. Any correspondence (e.g. email, letters, memorandum, etc) concerning my applications for instructor and cadre member for Administrative Law Judge Training, Decision Writer Training, and Legal Assistant Training. The solicitation for ALJ Training, Decision Writer Training and Legal Assistant Training Instructor and Cadre members were in December 2011. The Solicitation for ALJ Instructor Volunteers was issued by email 3/13/2012. . This request includes, but is not limited to, any correspondence between, to and from:
- a. OCAJ (Office of Chief Administrative Law Judge)
 - b. Debra Bice, Chief ALJ ODAR
 - c. Office of Disability Adjudication and Review
 - d. William King, Region 9 Regional Chief Administrative Law Judge
 - e. Mason (Doug) Harrell, San Bernardino Hearing Office Chief Judge
 - f. James Julian
 - g. Marsha Stroup, Regional Chief Administrative Law Judge Region 8
 - h. DTHR (Department of Training and Human Resources)
 - i. Frank Cristaudo
 - j. any other individuals who may have been involved in the decision making or input into the selection for the SES CDP.
 - k. Date Range: December 2011 to the Present

I ask that my request receive expedited processing.

I would like copies of the documents requested in the form of computer CD. If that is not possible, they may be provided in paper form.

Thank you for your consideration of this request.

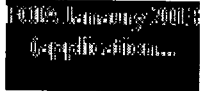
Jennifer A. Simmons
603 James St.
Highlands Ranch, CO 80126
720-839-5773

Ex 1/3

Simmons, Jennifer

From: Simmons, Jennifer
Sent: Sunday, January 06, 2013 6:33 PM
To: Finch, Mona; Parker, Doris R.; Bajo, Virgilio
Subject: New FOIA Requests (Jennifer Simmons-- January 6, 2012) - Part I

Ms. Finch/Ms. Parker/Mr. Bajo –
I am initiating additional FOIA Requests.
I ask that you respond to them in a timely manner.



Sincerely,
Jennifer Simmons

January 6, 2013

RE: FOIA (applications and hardship documents)

Mr. Bajo, Ms. Parker, Ms. Finch –

This is a new request under the Freedom of Information Act ("FOIA") 5 U.S.C. Sec. 552..

In order to help determine my status for purposes of determining the applicability of any fees, you should know that I am Jennifer A. Simmons, an employee of SSA/ODAR requesting information pertaining to me for my personal use.

I request that a copy of the following documents be provided to me within 20 business days:

1. Any correspondence/communications/documents/emails/notes related to Jennifer Simmons' request for hardship transfer/reassignment to the Denver Regional Office. This request includes, but is not limited to all communication within/between/from/to:
 - a) OCAIJ (Office of Chief Administrative Law Judge)
 - b) Debra Bice, Chief ALJ ODAR
 - c) Office of Disability Adjudication and Review
 - d) ODAR OEOHR
 - e) William King, Region 9 Regional Chief Administrative Law Judge
 - f) Mason (Doug) Harrell, San Bernardino Hearing Office Chief Judge
 - g) Marsha Stroup, Regional Chief Administrative Law Judge Region 8
 - h) any other individuals who may have been involved in the decision making or input into Jennifer Simmons' Hardship Transfer/Reassignment Requests.
 - i) Date Range: August 2011 to the Present

2. Any correspondence/communications/documents/emails/notes related to Jennifer Simmons' application and interview for Administrative Law Judge at the National Hearing Center Falls Church position advertised on or about July 20, 2012. This request includes, but is not limited to all communication within/between/from/to:
 - a) OCAIJ (Office of Chief Administrative Law Judge)
 - b) Debra Bice, Chief ALJ ODAR
 - c) Office of Disability Adjudication and Review
 - d) National Hearing Center Falls Church Management
 - e) William King, Region 9 Regional Chief Administrative Law Judge
 - f) Mason (Doug) Harrell, San Bernardino Hearing Office Chief Judge
 - g) Kathleen Scully-Hayes, Associate ALJ

FX 2/2

- h) any other individuals who may have been involved in the decision making or input into the selection for the National Hearing Center Falls Church ALJ Position advertised on or about July 20, 2012
 - i) Date Range: July 2012 to the Present
3. Concerning the July 20, 2012 Announcement for Administrative Law Judge in the National Hearing Center, Fall Church, please provide the following
- a. The name, title, start date, and ALJ number of the individual who was selected for the advertised position.
 - b. The qualifications of the individual selected for the position.
 - c. The years of service as an ALJ of the selected individual.
 - d. If no one was selected, please provide the selecting official's rationale.
 - e. If no one was selected for the position, please identify any individuals who were stationed in Falls Church National Hearing Center as Administrative Law Judge from August 2012 to December 2012 including their name, title, start date, qualifications, and ALJ number.
 - f. The name of the interviewing officials for this position.
 - g. The name, and title of the selecting officials.
 - h. Date Range July 2012 to the Present.
4. Any documents concerning Jennifer Simmons' application for Region 8 (Denver) Regional Chief Administrative Law Judge. The solicitation was issued by in August 2012. This request includes, but is not limit to all correspondence within/between/from/to
- a) OCAJ (Office of Chief Administrative Law Judge)
 - b) Debra Bice, Chief ALJ ODAR
 - c) Office of Disability Adjudication and Review
 - d) William King, Region 9 Regional Chief Administrative Law Judge
 - e) Mason (Doug) Harrell, San Bernardino Hearing Office Chief Judge
 - f) Marsha Stroup, former Regional Chief Administrative Law Judge Region 8
 - g) Lyle Olson, Acting Regional Chief Administrative Law Judge Region 8 Denver
 - h) any other individuals who may have been involved in the decision making or input into the selection for Region 8 (Denver) Regional Chief Administrative Law Judge Position.
 - i) Date Range: August 2012 to the Present
5. Any documents concerning Jennifer Simmons' application for Hearing Office Chief Administrative Law Judge San Diego Hearing Office. The solicitation was issued by ODAR San Francisco on October 22, 2012. This request includes, but is not limit to all correspondence within/between/from/to

Ex 2/3

- j) OCALJ (Office of Chief Administrative Law Judge)
- k) Debra Bice, Chief ALJ ODAR
- l) Office of Disability Adjudication and Review
- m) William King, Region 9 Regional Chief Administrative Law Judge
- n) Mason (Doug) Harrell, San Bernardino former Hearing Office Chief Judge
- o) Tamara Turner-Jones, Acting San Bernardino HOCALJ and Moreno Valley HOCALJ
- p) Caroline Beers, Deputy Region 9 Regional Chief Administrative Law Judge
- q) Layne Herbert, Regional Management Office, Region 9
- r) any other individuals who may have been involved in the decision making or input into the selection for the HOCALJ San Diego .
- s) Date Range: October 2012 to the Present

I ask that my request receive expedited processing, and be responded to within 20 Business Days.

I would like copies of the documents requested in the form of computer CD. If that is not possible, they may be provided in paper form.

Please let me know if you need any assistance, clarification, or more detail from me.

Thank you for your consideration of this request.

Jennifer A. Simmons

Home address:

7868 Milliken Ave. #476

Rancho Cucamonga, CA 91730

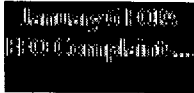
Cell: 720-839-5773

Ex. 2/4

Simmons, Jennifer

From: Simmons, Jennifer
Sent: Sunday, January 06, 2013 6:34 PM
To: Bajo, Virgilio; Finch, Mona; Parker, Doris R.
Subject: New FOIA Requests (Jennifer Simmons-- January 6, 2012) - Part 2

Ms. Finch/Ms. Parker/Mr. Bajo –
I am initiating additional FOIA Requests.
I ask that you respond to them in a timely manner.



Sincerely,

Jennifer Simmons

January 6, 2013

Re: FOIA EEO Complaints

Mr. Bajo, Ms. Parker, Ms. Finch –

This is a new request under the Freedom of Information Act ("FOIA") 5 U.S.C. Sec. 552..

In order to help determine my status for purposes of determining the applicability of any fees, you should know that I am Jennifer A. Simmons, an employee of SSA/ODAR requesting information pertaining to me for my personal use.

I request that a copy of the following documents be provided to me within 20 business days:

1. Produce EEOC claim/allegation information in which Mason Doug Harrell Jr., San Bernardino Hearing Office Administrative Law Judge has been involved in the past 15 years. Include the following information:
 - a) EEOC #
 - b) Allegations
 - c) Resolution
2. Produce EEOC claim/allegations information in which William King, RCALJ San Francisco has been involved in the past 15 years. Include the following information:
 - d) EEOC #
 - e) Allegations
 - f) Resolution
3. Produce EEOC claim/allegation information in which Michael Radensky, San Bernardino Administrative Law Judge has been involved in the past 15 years. Include the following information:
 - g) EEOC #
 - h) Allegations
 - i) Resolution

I ask that my request receive expedited processing, and be responded to within 20 Business Days.

I would like copies of the documents requested in the form of computer CD. If that is not possible, they may be provided in paper form.

Please let me know if you need any assistance, clarification, or more detail from me.

Thank you for your consideration of this request.

Jennifer A. Simmons

Home address:

7868 Milliken Ave. #476

Rancho Cucamonga, CA 91730

Cell: 720-839-5773

Ex. 3/2

Simmons, Jennifer

From: Bajo, Virgilio
Sent: Wednesday, June 13, 2012 9:30 AM
To: Simmons, Jennifer
Subject: RE: UPDATE -- RE: FOIA (Simmons)
Attachments: RE: FOIA (Simmons)

Hi, Jennifer -

As far as I know, the FOIA request is still pending in OGC/OPD. At this time, OCALJ has not received a controlled assignment from ODAR FOIA staff for appropriate action on the request.

Virgil

-----Original Message-----

From: Simmons, Jennifer
Sent: Wednesday, June 13, 2012 12:15 PM
To: Bajo, Virgilio
Subject: RE: UPDATE -- RE: FOIA (Simmons)

Hi Virgil -- do you have a status update on my FOIA requests?

Thank you -
Jennifer

From: Bajo, Virgilio
Sent: Friday, May 25, 2012 6:18 AM
To: Simmons, Jennifer
Subject: UPDATE -- RE: FOIA (Simmons)

Hi, Judge Simmons --
OCALJ forwarded your request to OGC/OPD FOIA Staff in Baltimore for control purposes and action. I am designated OCALJ liaison on FOIA, so let me know if you have any concerns or questions.

Have a safe and enjoyable weekend. (If it does not rain the entire weekend, I'll be flying a kite) with my little Maddi.

Virgil

From: Simmons, Jennifer
Sent: Thursday, May 24, 2012 9:09 AM
To: Bajo, Virgilio
Subject: FOIA (Simmons)

Hi Virgil -- I've attached a FOIA request. Please let me know if I need to clarify or change anything.

<< File: FOIA.docx >>

Jennifer Simmons
Administrative Law Judge

From: Bajo, Virgilio
Sent: Friday, May 18, 2012 8:31 AM
To: Simmons, Jennifer
Subject:

Judge Simmons – If you would like to send the request to me, I will handle it appropriately.

Virgil

Simmons, Jennifer

From: Finch, Mona
Sent: Thursday, May 24, 2012 8:25 AM
To: Bajo, Virgilio
Cc: |||ODAR OEOHR DEO ALB FOIA; Ramirez, Adolph; Polk, Denise
Subject: RE: FOIA (Simmons)

Virgil,

OPD will process this FOIA request. Once we get a FOIA case number, we will contact ODAR FOIA staff to get responsive documents.

Thanks,
Mona

From: Bajo, Virgilio
Sent: Thursday, May 24, 2012 9:28 AM
To: Finch, Mona
Cc: |||ODAR OEOHR DEO ALB FOIA; Ramirez, Adolph; Polk, Denise
Subject: FW: FOIA (Simmons)

Hello, Mona –

We received the attached FOIA request from an administrative law judge who telephoned our office last week inquiring about the FOIA process. It appears to be an extensive multiple request for information and may involve other research by other offices outside of ODAR. Please, kindly review the attached request and assign a FOIA control number, if as needed.

Virgil Bajo
ODAR, OCALJ, Division of Administrative Support
Field Support Branch, Field Support Specialist
Tel: (703) 605-7416

From: Simmons, Jennifer
Sent: Thursday, May 24, 2012 9:09 AM
To: Bajo, Virgilio
Subject: FOIA (Simmons)

Hi Virgil – I've attached a FOIA request. Please let me know if I need to clarify or change anything.
Thank you –

<< File: FOIA.docx >>

Jennifer Simmons
Administrative Law Judge

From: Bajo, Virgilio
Sent: Friday, May 18, 2012 8:31 AM
To: Simmons, Jennifer
Subject:

Judge Simmons – If you would like to send the request to me, I will handle it appropriately.

Virgil

Ex 4/4

Simmons, Jennifer

From: Simmons, Jennifer
Sent: Tuesday, September 04, 2012 5:55 PM
To: Parker, Doris R.; Finch, Mona
Subject: RE: FOIA (Simmons)

My new address is
7868 Milliken Ave #476
Rancho Cucamonga, CA 91730

From: Simmons, Jennifer
Sent: Tuesday, September 04, 2012 4:59 PM
To: Parker, Doris R.; Finch, Mona
Subject: FW: FOIA (Simmons)

Can you give me an update on my FOIA?

From: Bajo, Virgilio
Sent: Tuesday, September 04, 2012 4:01 AM
To: Simmons, Jennifer
Subject: RE: FOIA (Simmons)

Hi, Jennifer –

I would recommend contacting Doris Parker in OGC's Office of Privacy & Disclosure. Most likely, the letter was generated by the FOIA staff under Mona Finch (Division Director).

<< Message: FW: FOIA Request A13994 >>

Virgil

From: Simmons, Jennifer
Sent: Friday, August 31, 2012 5:25 PM
To: Bajo, Virgilio
Subject: RE: FOIA (Simmons)

Virgil – who can I contact about this request. I received a letter in the mail about this in July. However, I have moved and must have misplaced the letter. Can you help?

From: Simmons, Jennifer
Sent: Thursday, May 24, 2012 6:09 AM
To: Bajo, Virgilio
Subject: FOIA (Simmons)

Hi Virgil – I've attached a FOIA request. Please let me know if I need to clarify or change anything.
Thank you –

<< File: FOIA.docx >>

Fx 5/1

Jennifer Simmons
Administrative Law Judge

From: Bajo, Virgilio
Sent: Friday, May 18, 2012 8:31 AM
To: Simmons, Jennifer
Subject:

Judge Simmons – If you would like to send the request to me, I will handle it appropriately.

Virgil

Simmons, Jennifer

From: Simmons, Jennifer
Sent: Tuesday, September 04, 2012 4:59 PM
To: Parker, Doris R.; Finch, Mona
Subject: FW: FOIA (Simmons)

Can you give me an update on my FOIA?

From: Bajo, Virgilio
Sent: Tuesday, September 04, 2012 4:01 AM
To: Simmons, Jennifer
Subject: RE: FOIA (Simmons)

Hi, Jennifer –
I would recommend contacting Doris Parker in OGC's Office of Privacy & Disclosure. Most likely, the letter was generated by the FOIA staff under Mona Finch (Division Director).



FW: FOIA Request
AI3994

Virgil

From: Simmons, Jennifer
Sent: Friday, August 31, 2012 5:25 PM
To: Bajo, Virgilio
Subject: RE: FOIA (Simmons)

Virgil – who can I contact about this request. I received a letter in the mail about this in July. However, I have moved and must have misplaced the letter. Can you help?

From: Simmons, Jennifer
Sent: Thursday, May 24, 2012 6:09 AM
To: Bajo, Virgilio
Subject: FOIA (Simmons)

Hi Virgil – I've attached a FOIA request. Please let me know if I need to clarify or change anything.
Thank you –

<< File: FOIA.docx >>

Jennifer Simmons
Administrative Law Judge

From: Bajo, Virgilio
Sent: Friday, May 18, 2012 8:31 AM
To: Simmons, Jennifer
Subject:

Judge Simmons – If you would like to send the request to me, I will handle it appropriately.

Virgil

Simmons, Jennifer

Subject: FW: FOIA Request AI3994
Attachments: AI39940001.tif

From: Parker, Doris R.
Sent: Monday, June 18, 2012 8:47 AM
To: |||ODAR OEOHR DEO ALB FOIA
Cc: Whiting, Winnie; Burnett-Wiggins, Rosalind; Parker, Doris R.
Subject: FOIA Request AI3994

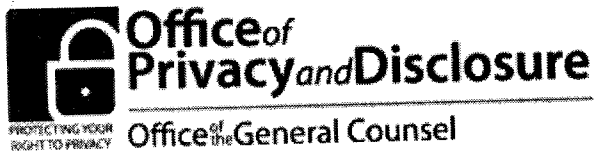
Good Morning,

Attached is a FOIA request for review from Ms. Jennifer Simmons, an employee of SSA/ODAR.

If you think there will be an estimated cost to the Federal government to process this information, please provide the grade of the analyst and the estimated hours within 5 working days.

The requested information is due Thursday, June 28, 2012. Thank you.

Doris R. Parker
SSA, OGC, OPD
410-966-0115
fax: 410-594-0115
pris.r.parker@ssa.gov



Ex 5/13

SENSITIVE HOT

Ex 5/5

May 24, 2012

To: SSA/OCALJ -- Falls Church, VA

From: Jennifer Simmons

Mr. Bajo –

This is a request under the Freedom of Information Act ("FOIA") 5 U.S.C. Sec. 552..

I request that a copy of the following documents be provided to me:

In order to help determine my status for purposes of determining the applicability of any fees, you should know that I am Jennifer A. Simmons, an employee of SSA/ODAR requesting information pertaining to me for my personal use.

1. Any correspondence (e.g. email, letters, memorandum, etc) concerning my letter of interest dated October 26, 2011 for the Solicitation for Participation on the Electronic Bench Book (EBB) Project. This request includes, but is not limited to, letters of reference, comments on my qualifications, and recommendations. This request includes, but is not limited to, any correspondence within the Office of Disability Adjudication and Review but not limited to correspondence from or to the following individuals:
 - a. Debra Bice, Chief Administrative Law Judge;
 - b. William King, Region 9 Regional Chief Administrative Law Judge;
 - c. Mason (Doug) Harrell, San Bernardino Hearing Office Chief Judge;
 - d. Employees of DTHR (Department of Training and Human Resources)
 - e. Employees of ODAR OCALJ (Office of the Chief ALJ);
 - f. any individuals who may have been involved in the decision making or input into the selection of the members for the EBB Project
 - g. Date Range: October 2011 to Present
2. Any correspondence (e.g. email, letters, memorandum, etc) concerning my application for Senior Executive Service Candidate Development Program (SES CDP). The SES CDP application was announced in July 2011 and the selections were announced in November 2011. This request includes, but is not limited to, any correspondence within the
 - a. OCALJ (Office of Chief Administrative Law Judge)
 - b. Debra Bice, Chief ALJ ODAR
 - c. Office of Disability Adjudication and Review
 - d. William King, Region 9 Regional Chief Administrative Law Judge
 - e. Mason (Doug) Harrell, San Bernardino Hearing Office Chief Judge
 - f. Glenn Sklar, DC ODAR
 - g. James Julian
 - h. SSA Human Resources

6/5/16

- i. Sarah E. Rohde, Human Resources Specialist, Executive and Special Services Staff
 - j. Executive Resources Board (ERB)
 - k. Bonnie L. Doyle
 - l. Commissioner Michael Astrue's Office
 - m. Marsha Stroup, Regional Chief Administrative Law Judge Region 8
 - n. Any other individuals who may have been involved in the decision making or input into the selection for the SES CDP.
 - o. Date Range: July 2011 to the Present
3. Any correspondence (e.g. email, letters, memorandum, etc) concerning my applications for instructor and cadre member for Administrative Law Judge Training, Decision Writer Training, and Legal Assistant Training. The solicitation for ALJ Training, Decision Writer Training and Legal Assistant Training Instructor and Cadre members were in December 2011. The Solicitation for ALJ Instructor Volunteers was issued by email 3/13/2012. . This request includes, but is not limited to, any correspondence between, to and from:
- a. OCAJ (Office of Chief Administrative Law Judge)
 - b. Debra Bice, Chief ALJ ODAR
 - c. Office of Disability Adjudication and Review
 - d. William King, Region 9 Regional Chief Administrative Law Judge
 - e. Mason (Doug) Harrell, San Bernardino Hearing Office Chief Judge
 - f. James Julian
 - g. Marsha Stroup, Regional Chief Administrative Law Judge Region 8
 - h. DTHR (Department of Training and Human Resources)
 - i. Frank Cristaudo
 - j. any other individuals who may have been involved in the decision making or input into the selection for the SES CDP.
 - k. Date Range: December 2011 to the Present

I ask that my request receive expedited processing.

I would like copies of the documents requested in the form of computer CD. If that is not possible, they may be provided in paper form.

Thank you for your consideration of this request.

Jennifer A. Simmons
603 James St.
Highlands Ranch, CO 80126
720-839-5773

4/5/7

Finch, Mona

From: Finch, Mona
Sent: Thursday, May 24, 2012 11:25 AM
o: Bajo, Virgilio
Cc: |||ODAR OEOHR DEO ALB FOIA; Ramirez, Adolph; Polk, Denise
Subject: RE: FOIA (Simmons)

Virgil,

OPD will process this FOIA request. Once we get a FOIA case number, we will contact ODAR FOIA staff to get responsive documents.

Thanks,
Mona

From: Bajo, Virgilio
Sent: Thursday, May 24, 2012 9:28 AM
To: Finch, Mona
Cc: |||ODAR OEOHR DEO ALB FOIA; Ramirez, Adolph; Polk, Denise
Subject: FW: FOIA (Simmons)

Hello, Mona –

We received the attached FOIA request from an administrative law judge who telephoned our office last week inquiring about the FOIA process. It appears to be an extensive multiple request for information and may involve other research by other offices outside of ODAR. Please, kindly review the attached request and assign a FOIA control number, if as needed.

Virgil Bajo
ODAR, OCAIJ, Division of Administrative Support
Field Support Branch, Field Support Specialist
Tel: (703) 605-7416

From: Simmons, Jennifer
Sent: Thursday, May 24, 2012 9:09 AM
To: Bajo, Virgilio
Subject: FOIA (Simmons)

Hi Virgil – I've attached a FOIA request. Please let me know if I need to clarify or change anything.
Thank you –

<< File: FOIA.docx >>

Jennifer Simmons
Administrative Law Judge

From: Bajo, Virgilio
Sent: Friday, May 18, 2012 8:31 AM
To: Simmons, Jennifer
Subject:

Judge Simmons – If you would like to send the request to me, I will handle it appropriately.

Virgil

5/5/9

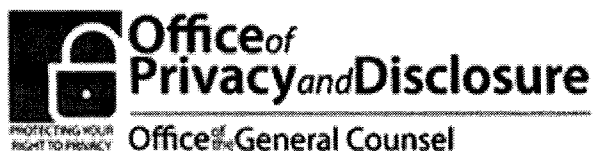
Simmons, Jennifer

From: Parker, Doris R.
Sent: Wednesday, September 05, 2012 3:32 AM
To: Simmons, Jennifer
Cc: Finch, Mona; Parker, Doris R.
Subject: RE: FOIA (Simmons)

Good Morning Ms. Simmons,

Your FOIA request is in the process stage at this time. You can check back in a few weeks for a status. I may have more information for you at that time. Thank you.

Doris R. Parker
SSA, OGC, OPD
410-966-0115
fax: 410-594-0115
doris.r.parker@ssa.gov



From: Simmons, Jennifer
Sent: Tuesday, September 04, 2012 7:59 PM
To: Parker, Doris R.; Finch, Mona
Subject: FW: FOIA (Simmons)

Can you give me an update on my FOIA?

From: Bajo, Virgilio
Sent: Tuesday, September 04, 2012 4:01 AM
To: Simmons, Jennifer
Subject: RE: FOIA (Simmons)

Hi, Jennifer –

I would recommend contacting Doris Parker in OGC's Office of Privacy & Disclosure. Most likely, the letter was generated by the FOIA staff under Mona Finch (Division Director).

<< Message: FW: FOIA Request A13994 >>

Virgil

From: Simmons, Jennifer
Sent: Friday, August 31, 2012 5:25 PM
To: Bajo, Virgilio
Subject: RE: FOIA (Simmons)

Ex 6/1

Virgil – who can I contact about this request. I received a letter in the mail about this in July. However, I have moved and must have misplaced the letter. Can you help?

From: Simmons, Jennifer
Sent: Thursday, May 24, 2012 6:09 AM
To: Bajo, Virgilio
Subject: FOIA (Simmons)

Hi Virgil – I've attached a FOIA request. Please let me know if I need to clarify or change anything.
Thank you –

<< File: FOIA.docx >>

Jennifer Simmons
Administrative Law Judge

From: Bajo, Virgilio
Sent: Friday, May 18, 2012 8:31 AM
To: Simmons, Jennifer
Subject:

Judge Simmons – If you would like to send the request to me, I will handle it appropriately.

Virgil

Ex 6/7

Simmons, Jennifer

From: Finch, Mona
Sent: Thursday, November 08, 2012 5:35 AM
To: Simmons, Jennifer
Cc: Bajo, Virgilio; Parker, Doris R.
Subject: RE: FOIA (Simmons)

Ms. Simmons, we are still processing your FOIA request. Thanks for providing your current address. We will get a response to you as soon as possible.

Thanks,
Mona

Mona Finch
Division Director, OPD
Social Security Administration
410-965-0350



From: Simmons, Jennifer
Sent: Wednesday, November 07, 2012 6:35 PM
To: Parker, Doris R.; Finch, Mona
Cc: Bajo, Virgilio
Subject: RE: FOIA (Simmons)

Can anyone give me an update on my FOIA?

My current address is 7868 Milliken Ave #476;
Rancho Cucamonga, CA 91730
720-839-5773

From: Simmons, Jennifer
Sent: Tuesday, September 04, 2012 4:59 PM
To: Parker, Doris R.; Finch, Mona
Subject: FW: FOIA (Simmons)

Can you give me an update on my FOIA?

From: Bajo, Virgilio
Sent: Tuesday, September 04, 2012 4:01 AM
To: Simmons, Jennifer
Subject: RE: FOIA (Simmons)

Ex 7/1

Hi, Jennifer –

I would recommend contacting Doris Parker in OGC's Office of Privacy & Disclosure. Most likely, the letter was generated by the FOIA staff under Mona Finch (Division Director).

<< Message: FW: FOIA Request AI3994 >>

Virgil

From: Simmons, Jennifer

Sent: Friday, August 31, 2012 5:25 PM

To: Bajo, Virgilio

Subject: RE: FOIA (Simmons)

Virgil – who can I contact about this request. I received a letter in the mail about this in July. However, I have moved and must have misplaced the letter. Can you help?

From: Simmons, Jennifer

Sent: Thursday, May 24, 2012 6:09 AM

To: Bajo, Virgilio

Subject: FOIA (Simmons)

Hi Virgil – I've attached a FOIA request. Please let me know if I need to clarify or change anything.
Thank you –

<< File: FOIA.docx >>

Jennifer Simmons
Administrative Law Judge

From: Bajo, Virgilio

Sent: Friday, May 18, 2012 8:31 AM

To: Simmons, Jennifer

Subject:

Judge Simmons – If you would like to send the request to me, I will handle it appropriately.

Virgil

Ex 1/2



SOCIAL SECURITY

Refer to:
S9H: AJ0355

01/09/2013

Jennifer Simmons
7868 Milliken Avenue #476
Rancho Cucamonga, CA 91730

Dear Jennifer Simmons:

We have received your request for records and will process it as soon as possible. If you need to contact us about your request, please be sure to refer to the above control number. If you have not heard from us in 30 days and wish to check on the status of your request, you may call 410-965-1727. Leave a message and your telephone number. Someone will return your call as soon as possible.

Sincerely,

A handwritten signature in black ink that reads 'Dawn S. Wiggins'.

Dawn S. Wiggins
Freedom of Information Officer

EX. 8/1



SOCIAL SECURITY

Refer to:
S9H: AJ0354

01/09/2013

Jennifer Simmons
7868 Milliken Ave. #476
Rancho Cucamonga, CA 91730

Dear Jennifer Simmons:

We have received your request for records and will process it as soon as possible. If you need to contact us about your request, please be sure to refer to the above control number. If you have not heard from us in 30 days and wish to check on the status of your request, you may call 410-965-1727. Leave a message and your telephone number. Someone will return your call as soon as possible.

Sincerely,

A handwritten signature in black ink that reads 'Dawn S. Wiggins'.

Dawn S. Wiggins
Freedom of Information Officer

EX-8/2

Simmons, Jennifer

From: Simmons, Jennifer
Sent: Thursday, January 31, 2013 12:18 PM
To: Finch, Mona
Subject: RE: FOIA (Simmons)

I would like to exhaust my administrative remedies for FOIA requests. Please provide me written guidance. It has been 8 months since my original request.

From: Finch, Mona
Sent: Tuesday, January 08, 2013 1:09 PM
To: Simmons, Jennifer
Subject: RE: FOIA (Simmons)

Ms. Simmons, I apologize for the delay, however, we are still processing your request. It is under review.

Thanks,
Mona

From: Simmons, Jennifer
Sent: Sunday, January 06, 2013 9:22 PM
To: Finch, Mona; Parker, Doris R.
Cc: Bajo, Virgilio
Subject: RE: FOIA (Simmons)

Ms. Finch/Ms. Parker –

Your office and SSA has been in possession of my original May 2012 FOIA for 7 months. I have yet to have a productive response from your office to my FOIA request. It appears from your November 8, 2012 response you were “processing” my May 2012 request.

At this point, I must insist that you provide the documents I requested in my May 2012 FOIA in the next 5 business days (or no later than Monday, January 14, 2013). Please provide them in electronic form on a CD.

I do not wish to initiate litigation at this point because I feel a cooperative approach is better suited to resolve this situation. However, time is of the essence in this matter. Seven months should have provide SSA sufficient time to produce the items I have requested.

Sincerely,

Jennifer A. Simmons
Administrative Law Judge
San Bernardino Hearing Office

Home address:
7868 Milliken Ave. #476
Rancho Cucamonga, CA 91730

Ex 9/1

<< Message: RE: FOIA (Simmons) >>

From: Finch, Mona
Sent: Thursday, November 08, 2012 5:35 AM
To: Simmons, Jennifer
Cc: Bajo, Virgilio; Parker, Doris R.
Subject: RE: FOIA (Simmons)

Ms. Simmons, we are still processing your FOIA request. Thanks for providing your current address. We will get a response to you as soon as possible.

Thanks,
Mona

Mona Finch
Division Director, OPD
Social Security Administration
410-965-0350

<< OLE Object: Picture (Device Independent Bitmap) >>

From: Simmons, Jennifer
Sent: Wednesday, November 07, 2012 6:35 PM
To: Parker, Doris R.; Finch, Mona
Cc: Bajo, Virgilio
Subject: RE: FOIA (Simmons)

Can anyone give me an update on my FOIA?

My current address is 7868 Milliken Ave #476;
Rancho Cucamonga, CA 91730
720-839-5773

From: Simmons, Jennifer
Sent: Tuesday, September 04, 2012 4:59 PM
To: Parker, Doris R.; Finch, Mona
Subject: FW: FOIA (Simmons)

Can you give me an update on my FOIA?

From: Bajo, Virgilio
Sent: Tuesday, September 04, 2012 4:01 AM
To: Simmons, Jennifer
Subject: RE: FOIA (Simmons)

Hi, Jennifer –

Ex 9/2

I would recommend contacting Doris Parker in OGC's Office of Privacy & Disclosure. Most likely, the letter was generated by the FOIA staff under Mona Finch (Division Director).

<< Message: FW: FOIA Request A13994 >>

Virgil

From: Simmons, Jennifer
Sent: Friday, August 31, 2012 5:25 PM
To: Bajo, Virgilio
Subject: RE: FOIA (Simmons)

Virgil – who can I contact about this request. I received a letter in the mail about this in July. However, I have moved and must have misplaced the letter. Can you help?

From: Simmons, Jennifer
Sent: Thursday, May 24, 2012 6:09 AM
To: Bajo, Virgilio
Subject: FOIA (Simmons)

Hi Virgil – I've attached a FOIA request. Please let me know if I need to clarify or change anything.
Thank you –

<< File: FOIA.docx >>

Jennifer Simmons
Administrative Law Judge

From: Bajo, Virgilio
Sent: Friday, May 18, 2012 8:31 AM
To: Simmons, Jennifer
Subject:

Judge Simmons – If you would like to send the request to me, I will handle it appropriately.

Virgil

Ex 9/B

Simmons, Jennifer

From: Simmons, Jennifer
Sent: Thursday, January 31, 2013 1:07 PM
To: Parker, Doris R.; Finch, Mona
Subject: RE: New FOIA Requests (Jennifer Simmons-- January 6, 2013) -- Correction

I am following up on my January 6, 2013 FOIA request. It has been more than 20 days since I initially requested the documents.

From: Simmons, Jennifer
Sent: Thursday, January 31, 2013 1:06 PM
To: Parker, Doris R.; Finch, Mona
Subject: FW: New FOIA Requests (Jennifer Simmons-- January 6, 2012)

I am following up on my January 6, 2012 FOIA request. It has been more than 20 days since I initially requested the documents.

From: Simmons, Jennifer
Sent: Sunday, January 06, 2013 6:33 PM
To: Finch, Mona; Parker, Doris R.; Bajo, Virgilio
Subject: New FOIA Requests (Jennifer Simmons-- January 6, 2012) - Part I

Ms. Finch/Ms. Parker/Mr. Bajo –

I am initiating additional FOIA Requests.

I ask that you respond to them in a timely manner.

<< File: FOIA Janaury 2013 (applications hardship).docx >>

Sincerely,
Jennifer Simmons

Simmons, Jennifer

From: Simmons, Jennifer
Sent: Thursday, January 31, 2013 1:11 PM
To: Bajo, Virgilio; Finch, Mona; Parker, Doris R.
Subject: RE: New FOIA Requests (Jennifer Simmons-- January 6, 2012) - Part 2 -- Correction

I am requesting status on this January 6, 2013 FOIA request. Please advise. Judge Simmons

From: Simmons, Jennifer
Sent: Sunday, January 06, 2013 6:34 PM
To: Bajo, Virgilio; Finch, Mona; Parker, Doris R.
Subject: New FOIA Requests (Jennifer Simmons-- January 6, 2012) - Part 2

Ms. Finch/Ms. Parker/Mr. Bajo –
I am initiating additional FOIA Requests.
I ask that you respond to them in a timely manner.

Sincerely, << File: January 6 FOIA EEO Complaints.docx >>

Jennifer Simmons

Ex. 10/1

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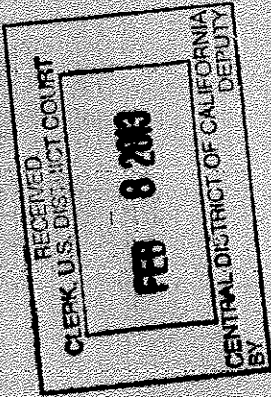
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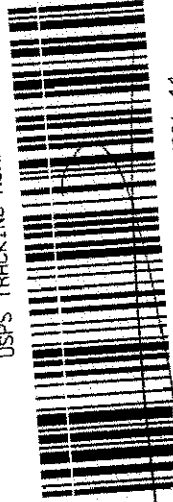
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U. S. District Court
312 N. Spring St.
Attention: Room G-19, Pro Se Unit
Los Angeles, CA 90012

~~AS~~

USPS TRACKING NUMBER



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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Virginia A. Phillips and the assigned discovery Magistrate Judge is Sheri Pym.

The case number on all documents filed with the Court should read as follows:

EDCV13 - 261 VAP (SPx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☒ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of California

Jennifer A. Simmons
7868 Milliken Ave, #476
Rancho Cucamonga, CA
720-839-5733

Plaintiff(s)

v.
Commissioner of Social Security
Social Security Administration

See attached

Defendant(s)

FOR OFFICE USE ONLY

ED 13 CV 261 VAP (SP)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Social Security Administration, Office of General Counsel
Room 617, Altmeyer Building, 6401 Security Blvd
Baltimore, MD 21235 &
Office of the Regional Chief Counsel, Region IX, SSA
160 Spear St. Suite 800
San Francisco, CA 94105-1545

A lawsuit has been filed against you.

Within ³⁰21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Jennifer A. Simmons, Pro Se Plaintiff
7868 Milliken Ave #476
Rancho Cucamonga, CA 91730

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

FOR OFFICE USE ONLY

Date:

2/11/2013

